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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 4, 2001

PETITION OF

ENRON FEDERAL ENERGY SOLUTIONS, INC.

CASE NO. PUE990782

For declaratory judgment

ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL

On November 15, 1999, Enron Federal Energy Solutions, Inc. ("Enron"), filed with the State Corporation Commission ("Commission") a petition for declaratory judgment requesting that the Commission declare that Enron would not be subject to the Commission's jurisdiction over public service companies should it acquire and operate certain assets and infrastructure used to distribute electricity and potable water and to collect waste water within three United States military installations in Virginia.

On December 6, 1999, the Commission docketed Enron's petition; invited interested persons, including the Staff, to file a response and request a hearing; and permitted Enron to file a reply to any responses. On January 19, 2000, responses to Enron's petition were filed by Staff, Virginia Electric and Power Company, and Old Dominion Electric Cooperative, the Virginia, Maryland & Delaware Association of Electric

Cooperatives, and their member distribution electric cooperatives. Enron filed a reply to the responses on February 9, 2000.

On April 18, 2001, Enron filed a motion requesting voluntary dismissal of its petition without prejudice. In support of its motion, Enron states that it believes the issues raised in the petition were resolved by the United States Congress last year through amendments to 10 U.S.C. § 2668. Enron states, in addition, that certain parties in this case have asserted that the petition is not yet ripe and the United States Army has still not issued an award in the solicitation underlying Enron's petition. The petition states that Enron believes further litigation is unnecessary at this time based on these considerations.

On May 1, 2001, Enron filed a supplemental certificate of service for its petition.

NOW THE COMMISSION, upon consideration of Enron's motion, is of the opinion and finds that the motion should be granted without prejudice. In dismissing this proceeding we make no finding on the merits of Enron's petition.

Accordingly, IT IS ORDERED THAT:

- (1) Enron's April 18, 2001, motion is granted.
- (2) This matter is hereby dismissed without prejudice from the Commission's docket of active proceedings, and the papers

filed herein shall be placed in the Commission's file for ended causes.